



**Austin City Council
MINUTES**

For JUNE 30, 1988 - 1:00 P.M.

Council Chambers, 307 West Second Street, Austin, Texas

Memorandum To:

Mayor Cooke called to order the meeting of the Council, noting the absence of Councilmember Carl-Mitchell. Councilmember Urdy entered the Council Chamber at 1:30 p.m.

MINUTES APPROVED

The Council, on Councilmember Humphrey's motion, Mayor Pro Tem Shipman's second, approved minutes for regular meeting of June 23, 1988 and special meetings of June 20 and 21, 1988. (5-0 Vote, Councilmember Urdy and Councilmember Carl-Mitchell absent)

CITIZEN COMMUNICATIONS

Mrs. Molly Bean did not appear, nor did Mr. Bruce A. Lester, or Mr. Jose T. Guzman. Mr. Cary Jones withdrew his name from the agenda. Mr. Wilbur C. Robinson talked about electrical services, Mr. Chris Strand discussed Resource Management Department and Ms. Charmaine Rhodes discussed City softball services. Mr. Dave Dobbs talked about capital and fiscal priorities.

OLD BUSINESS - ORDINANCES

The Council, on Mayor Pro Tem Shipman's motion, Councilmember Nofziger's second, waived the requirement for three readings and finally passed the following ordinances all in one consent motion: (5-0 Vote, Councilmembers Urdy and Carl-Mitchell absent)

Code Amendment

Amended the Code of the City of Austin, 1981 as follows:

- (1) Chapter 10-4, by adding Section 10-4-6, to prohibit glass containers in specified park areas and recreation areas under the administration and control of the City Parks and Recreation Department.

Capital Recovery Fee Amendment

Approved amendments to the Capital Recovery Fee Ordinance.

Zoning Ordinances

Approved second/third readings of ordinances amending Chapter 13-2 of the Austin City Code (Zoning Ordinance) to cover the following changes:

- | | | |
|---|----------------------------|------------------------|
| (1) SANFORD L. HURWITZ
C14-85-288.30 | 8003 Old Bee Caves
Road | From "I-RR"
to "MH" |
|---|----------------------------|------------------------|

First reading on April 16, 1986, (5-0). Councilmember Humphrey out of the room at roll call. Conditions have been met as follows: Restrictive Covenant incorporating conditions imposed by Council have been executed.

- | | | |
|---|-------------------------|-----------------------------|
| (2) STEVE SCRUGGS AND
SAM CAWOOD
By Steven I. Adler
C14-85-060 | 501 and 503
Ferguson | From "I-SF-2"
to "CS-CO" |
|---|-------------------------|-----------------------------|

First reading on May 2, 1985, (5-0). Conditions have been met as follows: Conditions for site plan and restrictive covenant for 40' height limit have not been met. Owner is requesting: (a) deletion of site plan requirement and (b) incorporation of 40' height limit into conditional overlay ordinance. Conditional overlay ordinance has been prepared incorporating 40' height limit.

ITEMS POSTPONED

Postponed indefinitely is AustinPlan Steering Committee report on Update on AustinPlan.

Postponed to July 12 at 3:00 p.m. is consideration of amending the Electric Rate-Setting Process Ordinance.

Postponed to July 14, 1988 is consideration of amending the Employees Retirement Ordinance No. 821118-G to provide Retirement Incentive Program.

Pulled from the agenda was consideration of approval of a resolution regarding the Austin Convention/Civic Center Project and funding plan.

Postponed to July 21, 1988 is consideration of the Barton Creek Watershed Policy recommendations from the Water and Wastewater

Commission and staff recommendations.

Postponed to July 21, 1988 is consideration of the Endangered Species Resolution.

Postponed to July 14, 1988 is consideration of directing the City Manager to terminate the contract with Cresap, A Towers Perrin Company for the Electric Utility Audit.

Postponed indefinitely is City Manager Report on Public Events Business Plan.

CONSENT ORDINANCES

The Council, on Councilmember Humphrey's motion, Councilmember Nofziger's second, waived the requirement for three readings and finally passed the following ordinances all in one consent motion: (6-0 Vote, Councilmember Carl-Mitchell absent)

Operating Budget Amendment

Amended the 1987-88 Annual Operating Budget by appropriating \$23,006.62 to the Parks and Recreation Department for the purpose of supporting the Zilker Summer Musical, out of monies in deposit in Trust and Agency Account #07365.

Joint Airport Zoning Board

Approved creation of a Joint Airport Zoning Board.

Correction of Legal Description

Amended the following ordinance to correct the legal description or use designation:

- a. Ordinance No. 851003-K, Zoning Case No. C14-85-149 (The North Lamar Area Study)

Street Name Change

Approved the following street name change to portions of Grove Boulevard:

- a. From Fairway Street northerly 270 feet more or less to the north line of Bluebell Circle to be changed to Bluebell Circle.
- b. From the south line of Palm Circle in a northerly direction 420 feet more or less to its termination north of Felix Avenue to be changed to Community Drive.

CONSENT RESOLUTIONS

The Council, on Councilmember Humphrey's motion, Councilmember Nofziger's second, adopted the following resolutions all in one consent motion: (6-0 Vote, Councilmember Carl-Mitchell absent)

Contract Approved

Approved the following contract:

K & M EQUIPMENT COMPANY
P.O. Box 658
LaGrange, Texas

- CAPITAL IMPROVEMENTS PROGRAM -
Installation of a compost screening
system, Water and Wastewater
Department
Total \$59,000.00 73/23-09

License Agreement

Approved entering into a License Agreement to allow the encroachment of a concrete handicap ramp into the public right-of-way of West 6th Street adjacent to the west 60' of Lot 1, Block 75 Original City of Austin, locally known as 618 West 6th Street. (6-0 Vote, Councilmember Carl-Mitchell absent)

Public Hearings Set

Set public hearings on the following:

- a. Proposed amendments to Chapter 13-1, Land Development Procedures: July 21, 1988 at 5:00 P.M.
- b. Amending the Brackenridge Urban Renewal Plan to allow : relocation of the Ronald McDonald House to the Waterloo Building: July 21, 1988 at 4:00 P.M.

CABLE COMMISSION REPORT

Mr. Paul Leche, chairperson, Austin Cable Commission, presented their report on Proposed Central Access Studio and Access Fund Budget.

After he completed the report, the following motion was made:

Motion

The Council, on Councilmember Humphrey's motion, Councilmember Urdy's second, adopted a resolution approving fiscal year 1988-89 Access Television Fund Budget. (6-0 Vote, Councilmember Carl-Mitchell absent)

CHILD CARE COMMISSION

Jeannette Watson presented the Child Care Commission progress report on Child Care Coordinator Job Description and Workplan.

COUNCIL MEETING CANCELLED

The Council, on Mayor Pro Tem Shipman's motion, Councilmember Nofziger's second, waived the requirement for three readings and finally passed an ordinance to cancel the July 7, 1988 regularly called Council meeting. (6-0 Vote, Councilmember Carl-Mitchell absent) (This item was held over from the 6/28/88 special Council meeting.)

WORKSESSION - CITY DEBT

Council held a worksession on City debt and related issues. (This item was held over from the 6/28/88 special Council meeting.)

OFFICE LEASING SPACE PROPOSAL REJECTED

The Council, on Councilmember Nofziger's motion, Mayor Cooke's second, accepted staff recommendation to reject the office leasing space proposal regarding Bannister Lane. (5-0 Vote, Councilmember Urdy out of the room, Councilmember Carl-Mitchell absent)

NO ACTION TAKEN ON CONTRACT

Council had before them for consideration approval of the following contract:

- (1) Bid Award:
- Twenty (20) 36" butterfly valves and two (2) 36' gate valves, Water and Wastewater Utility Department
Total \$114,272.00 88-0213-OM
 - (a) HENRY PRATT COMPANY - Item 1 - \$93,500.00
401 S. Highland Avenue
Aurora, Illinois

Council took no action on this item.

ANESTHESIOLOGY SERVICES - BRACKENRIDGE HOSPITAL

The Council, on Councilmember Barnstone's motion, Mayor Pro Tem Shipman's second, waived the requirement for three readings and finally passed an ordinance amending the 1987-88 Annual Operating Budget by: (6-0 Vote, Councilmember Carl-Mitchell absent)

- a. Transferring \$100,000.00 from the Brackenridge Hospital Fund's net income to the Brackenridge Hospital line item for Medical/Surgical Services.

The Council, on Councilmember Barnstone's motion, Mayor Pro Tem Shipman's second, authorized the City Manager or his designee to amend the current contract with Capital Anesthesiology Association by \$100,000.00 (to be paid by Brackenridge Hospital) and negotiate a

twelve month Professional Service Agreement for anesthesiology services for a total cost of \$940,000.00. (\$540,000.00 to be paid by Brackenridge Hospital and \$400,000.00 to be paid by the Health Department) (6-0 Vote, Councilmember Carl-Mitchell absent)

COMMUNITY FACILITIES AGREEMENT

The Council, on Mayor Pro Tem Shipman's motion, Councilmember Nofziger's second, adopted a resolution approving the following Community Facilities Agreement: (6-0 Vote, Councilmember Carl-Mitchell absent)

- a. Realtex Funding Corporation for the construction of William Cannon Boulevard from U.S. 290 West to the proposed South-west Parkway in the amount of \$253,124.00 from available funds. C.I.P. Nos. 85/62-04, 85/62-01, 85/60-07 & 85/60-17.

CHANGE ORDER

The Council, on Councilmember Humphrey's motion, Mayor Pro Tem Shipman's second, adopted a resolution approving the following change order: (6-0 Vote, Councilmember Carl-Mitchell absent)

- a. In the amount of \$42,377.05 to Insituform Texark, Inc. for the February 1988 Wastewater Rehabilitation Project, Cost Center 23595. (13.42% increase of the original amount of \$315,376.00)

ZONING HEARING

Mayor Cooke announced Council would hear the following zoning case. Council heard, closed the public hearing and passed through FIRST READING ONLY of an ordinance as follows.

-88 0021	DANIEL R. PORTH By Donna Kristaponis	10805 - 10825 Jollyville Road 4911-4915 Hamilton Lane	From "SF-2" & "LO" To Tr. 1 "GR" Tr. 2 "LO" <u>FIRST READING-BRING BACK AS "GR-CO" & "LO-CO" FOR SECOND/THIRD READINGS</u>
-------------	--	--	---

RECOMMENDED subject to dedication of 120 feet of right-of-way for extension of Braker Lane, and 35 feet of right-of-way from the center line and fiscal arrangements for boundary street improvements to Hamilton Lane, and the following conditions to be implemented by a restrictive covenant covering the entire 10-acre site: No Certificate of Occupancy shall be issued until the extension of Braker Lane from U.S. 163 to Jollyville Road has been completed. Prior to release of the site plan, fiscal shall be posted for a pro-rata share of the traffic signal at Jollyville and Braker. Access to Jollyville Road limited to one

full-access driveway and one entrance. One story height limit. 28-foot landscaped buffer along Jollyville Road. No structure within 100 feet of Jollyville Road and five foot sidewalk along Jollyville Road.

Mr. Tracy Watson, Acting Director, Office of Land Development Services, stated: "The project was heard by Planning Commission, is recommended to you on 7-1 Vote. There are a number of conditions associated with it. The only change that I would like Council to authorize is that when it comes back for second reading it comes back for "GR-CO" and "LO-CO". Some of the conditions of approval can be taken care of with the conditional overlay and would reduce the extent of any restrictive covenant on the other items."

(On Councilmember Humphrey's motion, Councilmember Barnstone's second, 6-0 Vote, Councilmember Carl-Mitchell absent.)

RESIDENTIAL CONSERVATION SERVICE AUDITS

Council had before them for consideration a resolution to approve the following contract:

Bid award:	- Residential Conservation Service Audits, Resource Management Department Total \$1,085,896.60 88-S088-KK
(1) ENERGY MANAGEMENT SERVICES 2111 Dickson Drive, Ste. 14 Austin, Texas	- \$426,931.60
(2) PLANERGY, INC. 1008 West Avenue Austin, Texas	- \$429,615.00
(3) CALIBRATED RESOURCES, INC. (MBE) 6448 Hwy. 290 E., Ste. E-102 Austin, Texas	- \$229,350.00

Motion

Councilmember Barnstone made a motion, seconded by Mayor Cooke to not approve the contracts and postpone consideration until after budget discussion and staff review.

Ken Altes, Resource Management Commission, explained the need for the contracts for energy conservation efforts. Councilmember Barnstone said perhaps the contracts would be all right, but he feels

there should be a user fee. Mayor Pro Tem Shipman pointed out the fact that the proposed contracts are included in the current 1987-88 Financial Plan.

Amended Motion

Councilmember Barnstone amended his motion to approve on a month to month basis with a \$15.00 user fee per audit. Mayor Cooke seconded the motion.

Friendly Amendment

Mayor Cooke offered a friendly amendment to drop the fee and have the contract renewed month to month and review the topic of residential conservation service audits during the budget hearings. Councilmember Barnstone asked if he would accept a \$5.00 user fee.

Second to Motion Withdrawn

Mayor Cooke withdrew his second to the motion.

Motion

The Council, on Councilmember Humphrey's motion, Mayor Cooke's second, adopted a resolution awarding the bid on a month to month basis. (5-1-0 Vote, Councilmember Barnstone voted No, Councilmember Carl-Mitchell absent.)

EXECUTIVE SESSION

Mayor Cooke announced Council would go into executive session pursuant to Article 6252-17, Texas Revised Civil Statutes Annotated, to discuss matters of land acquisition, litigation, and for personnel matters. No final action, decision or vote by the City Council will be taken on any subject or matter unless specifically listed on the agenda for this meeting.

1. Pending Litigation - Section 2, Paragraph a

- (a) City of Austin/LCRA v. Decker Coal Company et al
- (b) ETSI Pipeline Project, et al v. Burlington Northern, Inc., et al, C.A. No. B-84-979-CA
- (c) City of Austin v. Houston Lighting and Power
- (d) Burlington Northern Railroad Company and Missouri-Kansas-Texas Railroad Company v. Lower Colorado River Authority and the City of Austin, C.A. No. 4-87-504-K.
- (e) Two Forty-Four (244) v. City of Austin
- (f) Trinity-Twelve, Inc. v. City of Austin

2. Personnel Matters - Section 2, Paragraph g

- (a) City Manager Search

- (b) Appointment of Relief Judges
- (c) Municipal Court Clerk

RECESS

Council recessed for executive session from 4:42 to 7:00 p.m.

PUBLIC HEARING - CONTINUED HEARING ON PUBLIC PAVING ASSESSMENTS

Mayor Cooke opened the continued public hearing on paving assessments to be levied on the following:

- a. Montopolis Drive, consisting of one unit covering approximately 17 blocks. C.I.P. No. 78/62-09
- b. Riverside Drive, consisting of one unit covering approximately 30 blocks. C.I.P. No. 73/62-03

Jim Smith, Director, Transportation and Public Services, outlined the policy for Council. "Relative to finding of enhancement on the particular property the Council has the choice of three decisions it can make. (1) It can find the properties have been enhanced to the degree that the independent appraiser says they have. (2) The Council can find a reduced enhancement based on the evidence which is presented to you by the various property owners. (3) The Council can provide that those properties have not been enhanced, based on the evidence that has been presented to you.A separate issue is a number of property owners have a claim of hardship in their ability to pay. Currently within the policy that the Council has, you have two options dealing with that. One is that there is a 25% reduction in the assessment for those people who pay prior to the final ordinance accepting the work. The second option that is already in the policy is a five year payment plan which is available to the property owners.

"The staff will be recommending to you a formal policy change, that you add three additional opportunities to help offset that hardship. The first would be for those cases where they are owner/occupied properties, the Council formally adopt a policy that no collection efforts or foreclosure actions will be taken on liens on that property so therefore there would not be a collection of any assessments on those properties unless the property was sold or rezoned into a more intense use. The second option, for non-residential property, if the Council wanted to direct that neither collection nor foreclosure proceedings be initiated against any property owner as long, again, that property did not exchange hands in an ownership transaction or have more intense zoning. The third option is that the Council may want to offset any assessment by the value of any property donated to the City above and beyond that which is required by ordinance. We feel those three additional opportunities that the Council may want to consider adding to their current policy would help provide a basis for offsetting some of the potential hardship discussions that you may get into."

Mayor Cooke said in light of the newly proposed policies, Council would have the public hearing, but would not make a decision until July 14 so that Council would have a chance to adopt, reject or modify the last three proposals and then incorporate those policies, if Council decides on expansion, so that they can use those in the final determination regarding all of the parcels that are under debate at the present.

People who spoke have registration cards on file in the City Clerk's office.

Motion

The Council, on Councilmember Nofziger's motion, Councilmember Humphrey's second, continued the public hearing to July 14, 1988 at 6:00 p.m. (4-0 Vote, Councilmembers Urdy and Barnstone out of the room. Councilmember Carl-Mitchell absent)
SUMIKEN BUILDING

Councilmember Barnstone discussed costs associated with the acquisition of the Sumiken Building.

CIVIC CENTER SITE

Councilmember Barnstone made a motion, seconded by Councilmember Humphrey "to request the City Manager to prepare an RFP that would have some sites to select at the next Council meeting and after reviewing the sites, identify parcels the City would trade for land in any of the sites identified by the consultant." Motion passed by a 5-0 Vote, Mayor Cooke out of the room, Councilmember Carl-Mitchell absent.

ENERGY LOAN PROGRAM

Councilmember Barnstone made a motion, seconded by Mayor Pro Tem Shipman to suspend the Energy Loan Program for 30 days, with a friendly amendment by Mayor Pro Tem Shipman to expand the scope of the audit with a breakdown into categories where loans are being utilized. Motion passed by a vote of 4-2 with Councilmembers Humphrey and Nofziger voting No, Councilmember Carl-Mitchell absent) This will be on the July 28, 1988 agenda.

The Council, on Councilmember Barnstone's motion, Mayor Cooke's second, directed the City Manager to direct staff to suspend the promotional budget of Resource and Management Department for the Energy Loan Program for 30 days. (4-1-0 Vote, Councilmember Nofziger voted No, Councilmember Humphrey abstained.)

AVANTE BUILDING & WASTE-TO-ENERGY PLANT DISCUSSED

Councilmember Barnstone introduced to Council discussion to reconsider the building management contract for the Avante Building. He also introduced discussion of the guarantees for waste-to-energy plant.

ADJOURNMENT - Council adjourned its meeting at 10:06 P.M.